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Art Unit 2621

PU030018
Customer No. 24498

REMARKS

Applicants have reviewed the Office Action mailed June 7, 2010. To better point out their invention, applicants have amended claims 1, 3-6, 9, 16, 18-21, and 24. claims 2 and 17 have been cancelled without prejudice. claims 1, 3-16, and 18-24 remain pending.

35 U.S.C. § 112 Rejection of claims 16-24

claims 16-24 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner contends that the recitation in claim 16 of "the transitions" in line 7, lacks insufficient basis for in the claim. The Applicants respectfully disagree. claim 16, line 1, recites, *inter alia*, "[a] method for smoothing transitions in decoded macroblocks". Hence, claim 16 does in fact include proper antecedent basis in this regard.

The Examiner further continued that claim 16 recites the limitation "the error", alleging that there is insufficient basis for this limitation in the claim. Applicants have amended claim 16 to now recite "the phrase artificially created by an error concealment technique". Hence, claim 16 now includes sufficient antecedent basis in this regard.

Additionally, the Examiner contends that claims 18 and 19 recite the limitation "the step of modifying" in line 1, and that insufficient antecedent basis exists for this limitation in the claims. Applicants have amended claims 18 and 19 to now recite, *inter alia*, "the step of varying", claims 18 and 19 now depend from claim 16 which recites, *inter alia*, "varying the strength....". Hence, proper antecedent basis now exists for the phrase "the step of varying" recited in claims 18 and 19. Applicants request reconsideration of the rejection.

35 U.S.C. § 103(a) Rejection of claims 1-4, 9-11, 16-19 and 24

Claims 1-4, 9-11, 16-19, and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,715,008 to Sekiguchi et al. (hereinafter "Sekiguchi"). claims 5-8, 12-15, and 20-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of U.S. Patent No. 6,201,612 to Matsushiro et al. (hereinafter "Matsushiro"). The rejections are respectfully traversed.

None of the cited references, either taken singly or in any combination, teach or suggest the following limitations recited in independent claim 1: "wherein the error concealment stage

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varies the strength of the deblocking performed by the deblocking filter in accordance with an error concealment technique." Claim 16 recites analogous language.

Moreover, none of the cited references, either taken singly or in any combination, teach or suggest the following limitations recited in independent claim 16: "varying the strength of the deblocking performed by the deblocking filter in accordance with the error concealment technique".

In contrast, Sekiguchi describes a filtering process that uses a low-pass filter for smoothing. However, Sekiguchi contains no discussion whatsoever as to how this filter might be in any way strengthened or weakened depending on error concealment. Although Sekiguchi describes a form of limitation on the filtering process in section 2-4, this limitation relates solely to the *duration* of filtering (i.e., how many subsequent pictures to continue filtering after an error) rather than on the *strength* of the filtering. Furthermore, this duration does not vary in accordance with the error concealment technique. Thus, Sekiguchi fails to disclose or suggest varying the strength of deblocking by the error concealment stage or varying the strength in accordance with the error concealment technique as respectively recited in claims 1 and 16.

Hence, Sekiguchi fails to teach or suggest all of the above reproduced limitations of claims 1 and 16. Moreover, the remaining reference does not cure the deficiencies of Sekiguchi, and remain silent regarding the above reproduced limitations of claims 1 and 16.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The failure of an asserted combination to teach or suggest each and every feature of a claim remains fatal to an obviousness rejection under 35 U.S.C. § 103. Section 2143.03 of the MPEP requires the "consideration" of every claim feature in an obviousness determination. To render a claim unpatentable, however, the Office must do more than merely "consider" each and every feature for this claim. Instead, the asserted combination of the patents must also teach or suggest *each and every claim feature*. See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added) (to establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art). Indeed, as the Board of Patent Appeal and Interferences has recently confirmed, a proper obviousness determination requires that an Examiner make "a searching comparison of the claimed invention - *including all its limitations* - with the teaching of the prior art." See

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In re Wada and Murphy, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis in original). "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious" (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Thus, claims 1 and 16 patentably distinguish over the cited references for at least the reasons set forth above.

Claims 3-15 depend from claim 1 and, thus, incorporate by reference all the limitations of claim 1. Claims 18-24 depend from claim 16 and, thus, incorporate by reference all the limitations of claim 16. Accordingly, claims 3-15 and 18-24 patentably distinguish over the cited references for at least the reasons set forth above with respect to independent claims 1 and 16, respectively.

Moreover, said dependent claims include patentable subject matter in and of themselves and patentably distinguish over the cited references in their own right. For example, none of the cited references, either taken singly or in any combination, teach or suggest the following limitations recited in claim 9: "wherein the error concealment stages varies each of a pair of offset values A and B for the deblocking filter." Against the aforementioned limitations of claim 9 the Examiner has cited Figure 18 of Sekiguchi, reasoning:

"Sekiguchi et al also discloses the error concealment stage varies the strength of the deblocking performed by the deblocking filter 20 in accordance with error concealment 16 by modifying a boundary strength value on transitions S100 between concealed macroblocks and error-free (correctly received) macroblocks and between pairs of concealed macroblocks by varying each of a pair of offset values A and B for the deblocking filter."

However, elements "A" and "B" in Figure 18 of Sekiguchi are switch positions for switches SW1 and SW2 and have no bearing whatsoever on offset values for a deblocking filter as recited in claim 9. Therefore, Sekiguchi fails to teach or suggest the above reproduced limitations of claim 9. Moreover, the remaining reference do not cure the deficiencies of Sekiguchi, and is silent regarding the above reproduced limitations of claim 9.

Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the

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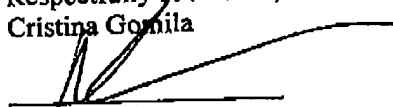
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applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

No fees are believed due with regard to this Amendment. Please charge any fee or credit any overpayment to Deposit Account No. 07-0832.

Respectfully submitted,
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